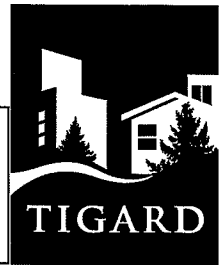


Agenda Item No. 3.1.c  
For Agenda of 11-28-06



## *Tigard City Council Meeting Minutes*

Date: October 24, 2006  
Time: 6:30 p.m.  
Place: Tigard City Hall, 13125 SW Hall Boulevard  
Tigard, Oregon  
Attending: Mayor Craig Dirksen Presiding  
Councilor Sally Harding  
Councilor Sydney Sherwood  
Councilor Nick Wilson  
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Executive Session	<p>The Tigard City Council went into Executive Session at 6:30 p.m. to discuss real property transaction negotiations and pending litigation with legal counsel under ORS 192.660(2)(e) and (h).</p> <p>Executive Session concluded at 7:10 p.m.</p>	
Study Session		
Review the Town Hall Audio/Visual Design Report from New World Audio/Video and Provide Staff with Direction.	<p>IT Director Ehrenfeld and New World Audio Video Consultant Cudy reviewed this item with the City Council.</p> <p>A supplement to the System Design Report was presented to the City Council and a copy is on file in the City Recorder's office. Following are the highlights of the review with the Council:</p> <ul style="list-style-type: none"> <li>➤ Recommendation that the system be wired; no wires will be visible. Wireless is not as reliable.</li> <li>➤ Reviewed the recording station equipment. Two systems were mentioned: Granicus and FTR Gold. FTR Gold is a good system and would cost less than \$5,000.</li> <li>➤ Wireless microphones were reviewed with attention called to the information presented on Page 8 of the staff report.</li> </ul> <p>Councilor Woodruff commented that he supports an improvement to the sound system but wants the</p>	<p>City Council consensus was for IT Director Ehrenfeld to work with Mr. Cudy and select the upgrades for the Audio/Visual system.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>expenditures to stay within the budgeted amount. Councilor Wilson concurred with Councilor Woodruff.</p> <p>City Manager Prosser suggested that if additional upgrades are desirable over this year's budgeted amount, they could be submitted for consideration during next year's budget process.</p>	
Administrative Items	<ul style="list-style-type: none"> <li>➤ The October 31, 2006, 5<sup>th</sup> Tuesday meeting has been cancelled.</li> <li>➤ Mayor Dirksen advised he plans to attend the National League of Cities (NLC) Conference in December. Councilor Harding said she would like to attend the leadership training classes offered before the regular NLC conference sessions. Council Candidate Gretchen Buehner said she would like to attend the NLC Conference if she is elected in November.</li> <li>➤ Community Development Director Coffee distributed a memorandum dated October 24, 2006, regarding "MTIP Public Involvement Strategy." A copy is on file in the City Recorder's office.</li> <li>➤ City Manager Prosser advised that TriMet General Manager Fred Hansen will meet with the City Council on December 19, 2006.</li> </ul>	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to order at 7:35 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications &amp; Liaison Reports:</p> <p>Mayor Dirksen announced that the October 31, 2006, Fifth Tuesday City Council meeting has been cancelled.</p> <p>1.5 Call to Council and Staff for Non-Agenda Items: None</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
2. Proclamations	<p>Mayor Dirksen announced the following proclamations. He advised he was recognizing National Magic Week and called attention to the contributions made by the Society of American Magicians to community programs such as the Police D.A.R.E. camp. Mayor Dirksen advised that the local Make a Difference Day was held last Saturday. Volunteers planted 80 trees within the community and Team Tigard picked up 17 bags of litter along Hall Boulevard.</p> <p>2.1 Proclaim the Week of October 25-31, 2006, as National Magic Week</p> <p>2.2 Proclaim October 28, 2006, as Make a Difference Day</p>	
3. Citizen Communications	<ul style="list-style-type: none"> <li>Report from the Tigard Area Chamber of Commerce Representative Sue Wirick. Ms Wirick noted that Executive Director Jeremy Monlux has been with the Chamber of Commerce for a year now and noted his contributions including membership growth. She reviewed Chamber events including the Leadership Program and Professional Development Program. Ms. Wirick advised there will be an outreach to the business community event in January.</li> </ul> <p>Councilor Sherwood noted Leadership Seminar students were at the homeless shelter recently and said it was a great session.</p> <ul style="list-style-type: none"> <li>Dick Franzke, 14980 SW 133<sup>rd</sup> Avenue, unincorporated Bull Mountain testified in response to comments made by Councilor Wilson at the October 10, 2006, City Council meeting relating to the Cach Creek Annexation. A written copy of Mr. Franzke's comments is on file in the City Recorder's office. He said Councilor Wilson's remarks were unnecessarily personal and said that statements made by City officials that annexations have always been consensual were false. An annexation cannot be regarded as voluntary or consensual when sewer lines will not be extended to properties unless the</li> </ul>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>property owner annexes or signs a consent to annex. He suggested the City Council owes the public apologies and admit that the City forces annexations.</p> <p>Councilor Wilson conceded that his remarks toward Mr. Franzke were personal, but were made in response to previous public testimony by Mr. Franzke questioning the “decency” of the Council. With regard to whether annexations are consensual, Councilor Wilson said he believes it is fair to enter into an agreement with a property owner for public services.</p> <p>Councilor Wilson said that no systems development charges for parks had ever been collected outside of the City’s boundaries. Mr. Franzke said he made the comment that money had gone back and forth between the City and County and gave as an example traffic impact fees collected in the unincorporated area that were spent within the City of Tigard.</p> <p>Councilor Wilson pointed out with regard to developing parks that previously the City Council’s “hands were tied” with regard to buying property outside of the City boundaries. This situation recently changed and the City had moved forward.</p> <p>In response to a comment from Mr. Franzke saying that the City of Tigard managed the unincorporated Bull Mountain area for nine years, Councilor Wilson said the City of Tigard has never managed that area.</p> <p>Although disagreeing about the nature of public comments by Mr. Franzke in the past, Councilor Wilson said he appreciated hearing from Mr. Franzke.</p>	
4. Consent Agenda	<p>Mayor Dirksen reviewed the Consent Agenda before the City Council:</p> <p>4.1 Approve Council Minutes for September 19 and 26, 2006</p> <p>4.2 Approve City Center Advisory Commission</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to approve the Consent Agenda.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>(CCAC) By Laws -- Resolution No. 06-64</p> <p>RESOLUTION NO. 06-64 – A RESOLUTION ADOPTING THE CITY CENTER ADVISORY COMMISSION (CCAC) BY LAWS</p> <p>4.3 Establish a Citizen Advisory Committee to Guide the Preparation of the Highway 99W Corridor Improvement and Management Plan and Appoint Members to the Committee – Resolution No. 06-65</p> <p>RESOLUTION NO. 06-65 – A RESOLUTION ESTABLISHING A CITIZEN ADVISORY COMMITTEE TO GUIDE THE PREPARATION OF THE HIGHWAY 99W CORRIDOR IMPROVEMENT AND MANAGEMENT PLAN AND APPOINTING MEMBERS TO THE COMMITTEE</p> <p>(Note: The following Citizen Advisory Committee members said they planned to be present at tonight's meeting: Jesse Black, William Moss, Steve Boughton, Tim McGilvrey, Cherree Weeks, and Sue Carver. Mayor Dirksen requested that Committee members come forward and he presented them with a City of Tigard logo pin.)</p> <p>4.4 Local Contract Review Board</p> <p>a. Award Architectural Services Contract for the Water Building Remodel to LRS Architects, Inc. and Authorize the City Manager to Sign the Contract</p> <p>4.5 Appoint Library Board Alternate Karen Levear to the Library Board – Res. No. 06-66</p> <p>RESOLUTION NO. 06-66 – A RESOLUTION FOR THE FOLLOWING APPOINTMENT TO THE LIBRARY BOARD: KAREN LEVEAR</p>	<p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Wilson      Yes  Councilor Woodruff    Yes</p>
5. Legislative Public Hearing	City Attorney Ramis explained the rules of procedure for this legislative hearing.	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>to Consider Revisions to the Community Development Code Relating to Planned Developments (DCA 2006-00003)</p>	<p>There were no declarations or challenges.</p> <p>Mayor Dirksen opened the public hearing.</p> <p>Associate Planner Farrelly presented the staff report. Council previewed the proposed revisions at its October 17, 2006, meeting. He advised that on October 23 a development consultant sent an e-mail registering strong objections to several aspects of the code amendment. One objection was that the requirements of open space and landscaping were confusing.</p> <p>Staff recommended that the City Council adopt the proposed ordinance.</p> <p>In response to a comment by Councilor Woodruff, Associate Planner Farrelly and Planning Manager Bewersdorff confirmed that the Planned Development Code process is voluntary. Planning Manager Bewersdorff said that the Planned Development regulations will be more difficult for a developer to follow, but the Planning Commission will have some ability to work with the developer on proposed projects. If a developer chooses not to use the Planned Development process, the normal subdivision process would be available.</p> <p>Some areas within the city are now designated as Planned Developments, so a zone change would be necessary to use another development process.</p> <p>During discussion City Council agreed with City Attorney Ramis about a revision to the following section:</p> <ul style="list-style-type: none"> <li>Section 18.350.070 3. f. (2) to be revised as follows:</li> </ul> <p>“The exception is necessary for adequate <del>identification of the use</del> <u>visibility of the sign</u> and...”</p> <p>This change was made at the request of City</p>	<p>Council agreed that language be amended as recommended by City Attorney Ramis for Section 18.350.070 3. f. (2) as shown in the column to the left.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)										
	<p>Attorney Ramis who advised he was concerned that the proposed wording might lead to regulating language content of a sign, which is unconstitutional.</p> <p>Mayor Dirksen closed the public hearing.</p> <p>Mayor Dirksen announced the City Council would be considering Ordinance No. 06-16 with the revision noted by City Attorney Ramis.</p> <p>Councilor Sherwood noted her appreciation to the volunteers who served for two years on the Committee to propose these changes to the Planned Development section of the Code.</p> <p>Councilor Woodruff said he was heartened that the Committee, made up of diverse interests within the community, as well as the Home Builders Association, had been able to reach a compromise to produce the recommended changes to the Planned Development provisions.</p> <p>Councilor Wilson noted he had raised concerns about areas of the proposed ordinance at the City Council meeting last week. Councilor Wilson said the proposed ordinance contained language which was far better than it was before, but he still had concerns with two areas. He called attention to Page 7, of the "Clean Copy" (Attachment 2 in the Council meeting packet.) The citation of the code section he was referring to was 18.350.060 B. 4. He said it was unlikely that this section would ever be used. During discussion, Mayor Dirksen noted he thought this language might be related to the Metro Code because it relates to a designated town or regional center.</p> <p>The second area of concern noted by Councilor Wilson was 18.350.070 A. 4. g. (Page 12 of 15 of the "Clean Copy" (Attachment 2 in the Council meeting packet.) Councilor Wilson said it was confusing as to what would be gained by having</p>	<p>Motion by Councilor Wilson, seconded by Councilor Woodruff, to amend the proposed language by deleting 18.350.060 B. 4. in its entirety.</p> <p>The motion was approved by a majority vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>No</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>No</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table> <p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to eliminate Section 18.350.070 A 4. g.</p> <p>The motion was approved by a</p>	Mayor Dirksen	No	Councilor Harding	Yes	Councilor Sherwood	No	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	No											
Councilor Harding	Yes											
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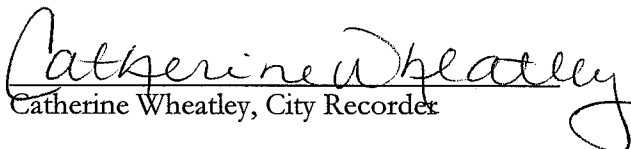
Agenda Item	Discussion & Comments	Action Items (follow up)										
	<p>this section as it relates to crime prevention. He noted there are times that shrubs are a problem as far as crime prevention is concerned. Councilor Harding noted more issues might arise as an area is developed more densely. Planning Manager Bewersdorff responded to a question from Mayor Dirksen and confirmed that the Police Department had reviewed this language. City Attorney Ramis noted some issues with the way the language was written because terms such as “semi public” would need to be defined. City Attorney Ramis also advised that because of the word “shall” in the language, the City must express clearly defined requirements in written findings.</p> <p>City Council considered the proposed ordinance with the amendments as noted.</p> <p>ORDINANCE NO. 06-16 – AN ORDINANCE AMENDING THE LANGUAGE TO THE TIGARD COMMUNITY DEVELOPMENT CODE, CHAPTERS 18.120 AND 18.350, TO CREATE A NEW PURPOSE STATEMENT, APPROVAL PROCESS, APPROVAL CRITERIA, AND OTHER REVISIONS FOR PLANNED DEVELOPMENTS AND TO ADD RELATED DEFINITIONS (DCA 2006-00003) AS AMENDED</p>	<p>unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table> <p>Motion by Councilor Woodruff, seconded by Councilor Sherwood to adopt Ordinance No. 06-16, as amended.</p> <p>(City Recorder’s Note: Amendments were:</p> <p>1. Section 18.350.070 3.f. (2) to be changed as follows:</p> <p>“The exception is necessary for adequate <del>identification</del> of <del>the use</del> <u>visibility of the sign</u> and...”</p> <p>2. Section 18.350.060 B. 4. as presented in the draft ordinance to be eliminated.</p> <p>3. Section 18.350.070 A 4. g. as presented in the draft ordinance to be eliminated.)</p> <p>Discussion on the motion:</p> <p>Mayor Dirksen advised he has long looked forward to amending this section of the Code. He said he believed the new language is sufficiently flexible and that he will vote in favor of the ordinance.</p> <p>Councilor Wilson agreed the new Code language has been a long-time coming and</p>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes											
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Councilor Sherwood	Yes											
Councilor Wilson	Yes											
Councilor Woodruff	Yes											




Agenda Item	Discussion & Comments	Action Items (follow up)
		<p>noted his appreciation for the work that has gone into developing the amendments.</p> <p>Councilor Harding agreed that the proposed ordinance represented years of work and added that now they, as a City Council, need to “stand behind” this new legislation.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Wilson      Yes  Councilor Woodruff   Yes</p>
<p>6. Consider an Ordinance to Add Section 1.12.050 to the Tigard Municipal Code (TMC) to Authorize Submission of Explanatory Statements by the City of Tigard for Inclusion in the Washington County Voters’ Pamphlet for Matters Submitted to Voters Under the Referendum or Initiative Powers by Petition.</p>	<p>City Recorder Wheatley presented the staff report. State law permits a governing body to issue explanatory statements for matters relating to municipal legislation referred or initiated by petition if the governing body has passed an ordinance to do so. The proposed ordinance would authorize the City Attorney, City Manager, or City Recorder to prepare an explanatory statement in the situations described above.</p> <p>Mayor Dirksen registered his concern that requiring cities to pass such an ordinance “flies in the face of Home Rule.” City Attorney Ramis said that the concept of Home Rule in Oregon has eroded whereby local voters have the right to choose their own government and rules. If challenged, the decision to require this ordinance could lead to substantial debate. Explanatory statements are neutral and may not take a position on a ballot measure.</p> <p>Council considered Ordinance No. 06-17:</p> <p>AN ORDINANCE ADDING SECTION 1.12.050 TO THE TIGARD MUNICIPAL CODE TO</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Ordinance No. 06-17.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Wilson      Yes  Councilor Woodruff   Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)										
	AUTHORIZE SUBMISSION OF EXPLANATORY STATEMENTS BY THE CITY OF TIGARD FOR INCLUSION IN THE WASHINGTON COUNTY VOTERS PAMPHLET FOR MATTERS SUBMITTED TO THE VOTERS RELATING TO MUNICIPAL LEGISLATION UNDER THE REFERENDUM OR INITIATIVE POWERS BY PETITION											
7. Consider an Ordinance to Repeal Ordinance No. 00-33 Providing a Process for Claims Filed as a Result of Ballot Measure 7 Subsequently Invalidated by the Oregon Supreme Court.	<p>City Manager Prosser presented the staff report. The proposed ordinance is a “housekeeping” request for action from the City Council. Ordinance No. 00-33 was never codified, nor could it have been implemented because the Oregon Supreme Court ruled that the ballot measure referred to in Ordinance No. 00-33 was invalid. The ordinance should have been repealed.</p> <p>City Council considered Ordinance No. 06-18.</p> <p>AN ORDINANCE REPEALING ORDINANCE NO. 00-33, WHICH PROVIDED A PROCESS FOR MAKING CLAIMS UNDER ARTICLE I, SECTION 18 OF THE OREGON CONSTITUTION IN RESPONSE TO VOTER APPROVAL OF BALLOT MEASURE 7 IN THE NOVEMBER 2000 ELECTION; SUBSEQUENTLY BALLOT MEASURE 7 WAS INVALIDATED BY THE OREGON SUPREME COURT ON OCTOBER 4, 2002</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adopt Ordinance No. 06-18.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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Councilor Harding	Yes											
Councilor Sherwood	Yes											
Councilor Wilson	Yes											
Councilor Woodruff	Yes											
8. Third Quarter Council Goal Update	<p>City Manager Prosser reviewed the staff report.</p> <p>Brief summaries of the progress made on the goals for this year are on file in the City Recorder's office.</p> <p>Mayor Dirksen referred to the upcoming ballot measure for libraries. He has met with members of the Youth Advisory Council and noted that several students have been canvassing the City urging support of the library measure.</p> <p>City Manager Prosser noted that since the progress report of goals was written, work has begun on the performance audit of the Library. Additional information was requested with regard to the Police</p>											

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	<p>Department audit and it is anticipated this audit will soon be underway.</p> <p>The Technology Strategic Plan was introduced to the Council last week.</p> <p>Mayor Dirksen noted significant progress has been made on the City Council goals.</p>	
Announcements	<ul style="list-style-type: none"> <li>➤ No City Council meeting on November 7, 2006 (election night).</li> <li>➤ Free Fall Leaf Pick-Up at City of Tigard occurring on the first three weekends of November. Participants are also encouraged to bring canned-food donations.</li> </ul>	
Adjournment	The meeting adjourned at 9:11 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Harding, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Wilson      Yes  Councilor Woodruff   Yes</p>

  
Catherine Wheatley, City Recorder

Attest:

  
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Mayor, City of Tigard

Date: 11.28.06

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